

IN THE DISTRICT OF THE UNITED STATES OF AMERICA
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ADELAIDA ANDERSON and JEFF ANDERSON,

Plaintiffs,

v.

Case No. 19-cv-800-SPM

RAYMOND CORPORATION,

Defendant.

Transcript of Jury Trial - Volume I
November 1, 2021

Proceedings held in person before
the Honorable **STEPHEN P. McGLYNN**,
United States District Judge Presiding

East Saint Louis, Illinois

REPORTED BY:

HANNAH JAGLER, RMR, CRR, FCRR
Official Court Reporter
750 Missouri Avenue
East Saint Louis, Illinois 62201
618-482-9481
Hannah_Jagler@ilsd.uscourts.gov

Following proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

APPEARANCES:

FOR PLAINTIFF:

MICHAEL J. WARSHAUER

JASPER V. ABBOTT

Warshauer Law Group, PC

2740 Bert Adams Road

Atlanta, Georgia 30339

404-892-4900

Mwarshauer@warlawgroup.com

Jasper@warlawgroup.com

FRANK J. McCOY, JR.

McCoy & McCoy, LLC

20 Church Street, Suite 1720

Hartford, Connecticut 06103

860-244-9100

Frank@mccoymccoy.com

RYAN E. BRENNAN

Brennan Law Firm PC

19 Bronze Pointe

Belleville, Illinois 62226

618-236-2121

Ryan@feladlc.com

FOR DEFENDANT:

FRANCIS H. LoCOCO

Husch Blackwell LLP

555 East Wells Street, Suite 1900

Milwaukee, Wisconsin 53202

414-978-5305

Frank.lococo@huschblackwell.com

G. PATRICK MURPHY

Murphy & Murphy, LLC

3415 Office Park Drive, Suite D

Marion, Illinois 62959

618-248-3236

Gpatrick@murphymurphyllc.com

MARGARET KATHRYN HEITKAMP

Husch Blackwell LLP

511 North Broadway, Suite 1100

Milwaukee, Wisconsin 53202

414-978-5373

Margaret.Heitkamp@huschblackwell.com

INDEX**PAGE**

Opening Instructions.....	10
Opening Statement By Mr. Warshauer.....	17
Opening Statement By Mr. LoCoco.....	45

INDEX OF EXHIBITS

NO.	DESCRIPTION	ID'D	RCV'D
	None.....		

TRANSCRIPT OF PROCEEDINGS

(Proceedings commenced at 9:12 a.m.)

THE COURTROOM DEPUTY: US District Court for the Southern District of Illinois is now in session, the Honorable Stephen McGlynn presiding. You may be seated.

Calls Case Number 19-cv-800, Adelaide Anderson, et al., v. Raymond Corporation. Calls case for first day of trial. Parties, if you would please state your name for the record.

MR. WARSHAUER: Good morning. Michael Warshauer for the plaintiff.

MR. McCOY: Good morning, Your Honor. Frank McCoy for the plaintiff.

MR. BRENNAN: Good morning, Your Honor. Ryan Brennan for the plaintiff.

MR. ABBOTT: Good morning. Jasper Abbott for the plaintiffs.

MR. LoCOCO: Good morning, Your Honor. Frank LoCoco for Raymond.

MR. MURPHY: Good morning, Judge. Patrick Murphy for Raymond, Defendant.

MS. HEITKAMP: Good morning, Your Honor. Margaret Heitkamp for the defendant Raymond Corporation.

THE COURT: All right. Are Plaintiffs ready for trial?

1 MR. WARSHAUER: We are.

2 THE COURT: Defendants ready for trial?

3 MR. LoCOCO: Yes, Your Honor.

4 THE COURT: All right. Is there anything -- is
5 there anything we need to take up before we bring in the
6 prospective jurors, from the plaintiff's perspective?

7 MR. WARSHAUER: No, sir.

8 MR. LoCOCO: No, Your Honor.

9 THE COURT: All right. Bring in the jurors.

10 (Voir dire.)

11 THE COURT: Okay. Let's talk about opening
12 statements. Counsel, how long -- how long do you wish to speak?
13 How long do you think your opening will be?

14 MR. WARSHAUER: I think it's under 25 minutes,
15 but I suspect by the time I screw it up, it will be 32 or 3.

16 THE COURT: That's fine.

17 MR. LoCOCO: Mine is about 45, Your Honor.

18 THE COURT: All right. So if -- I've got to read
19 the opening instructions. By the time we sit them down, it's
20 1:30. What I will probably do is because it's after lunch,
21 we'll break right after your opening, all right? And then come
22 back for your opening, and then that puts us -- we can at least
23 get one witness in, don't you think?

24 MR. WARSHAUER: I think we have one short one.

25 MR. LoCOCO: Yes, Your Honor.

1 THE COURT: All right.

2 MR. LoCOCO: And the other thing to tell you --
3 we talked about this Friday, but we've since done it.

4 Mr. Warshauer showed me what he's using in opening statement on
5 the screen and I showed him what I'm using, and I think we're
6 good to go.

7 MR. WARSHAUER: And I've objected to what he's
8 using, but, you know, here's my thought about opening. If
9 somebody shows something that never comes in, that's their risk.
10 I mean, that's just sort of my thought. I'm going to try to
11 keep it out when they offer it at trial, but right now he thinks
12 it's going to come in. He can show it. It's not horrifically
13 horrible blood-and-guts prejudicial, "no one can ever unsee it."

14 MR. LoCOCO: I think we'll get it in, Your Honor.
15 I'm confident.

16 MR. WARSHAUER: So, Your Honor, I'm just not a
17 big objector to things like that.

18 THE COURT: So you are not waiving your objection
19 to --

20 MR. WARSHAUER: Absolutely not --

21 THE COURT: -- that piece of demonstrative
22 evidence? A photo? What are we talking about?

23 MR. LoCOCO: It's a couple of -- well, I don't
24 know exactly.

25 THE COURT: Slides?

1 MR. WARSHAUER: Well, one is the -- as the Court
2 knows, we're objecting to anything that has to do with the door.
3 That's the off-dock videos he plans to show. And the other
4 thing that we objected to was Mike Rogers driving a forklift,
5 that we don't think that is similar, but, you know, it's a
6 demonstration. He can show it. If it never came in at all, he
7 can show this is the path they took. I mean, you know --

8 THE COURT: Well, so for the record, you do not
9 have to voice your objection during his presentation. You're
10 preserving your objections as to the admissibility of documents
11 or demonstrative evidence that he touches on in opening. Right?

12 MR. LoCOCO: So it's those three videos. Any of
13 the paper stuff, photographs?

14 MR. WARSHAUER: Most of the photographs we
15 jointly agree to.

16 MR. LoCOCO: Right. Okay. Thank you.

17 THE COURT: All right. Let's bring the jurors
18 in.

19 MR. WARSHAUER: Your Honor, could --

20 THE COURT: Before -- anything else?

21 MR. WARSHAUER: While they're panning in, I'm
22 going to go wash my hands real quick.

23 THE COURTROOM DEPUTY: That's fine. It takes a
24 few minutes for them to come up.

25 THE COURT: Let's give them -- we'll plan on

1 giving them five minutes to come up.

2 CHIEF DEPUTY CLERK: They're on their way up
3 right now, Your Honor.

4 THE COURT: We'll give them five minutes anyway.
5 I'll build the suspense.

6 (Recess from 1:14 p.m. to 1:19 p.m.)

7 (Jury panel enters at 1:19 p.m.)

8 THE COURT: All right. Be seated, everyone.

9 All right. We are on the record in the matter of
10 Anderson v. Raymond Corporation. Ladies and gentlemen, we have
11 selected the jury. For those of you who are not selected, you
12 are to report to -- when you leave here, report to the jury
13 assembly room. I don't know if any other judges in this
14 courthouse have trials that are going on. If so, there's a
15 chance that you could be asked to -- or invited to be part of
16 another jury trial this week. They'll have a better idea
17 downstairs.

18 But for those who are not selected, I want to
19 tell you that I appreciate very much your willingness to show up
20 and go through the process. And I hope just by going through
21 this process, I hope it reaffirms some of the appreciation that
22 you have for the quality of our justice system. We are very
23 dependent on good citizens like yourself showing up and being
24 available to serve on a jury even if ultimately you're not
25 picked.

1 In civil jury trials in the federal court, we
2 only have six jurors and two alternates, so we have way more
3 potential jurors here than we needed. If you didn't get picked,
4 it wasn't because we didn't think that you weren't a good
5 citizen. Frankly, we didn't get that far down the list before
6 we had picked all of our jurors. So again, thank you, and
7 report downstairs.

8 With that, Juror Number 1 will be [REDACTED].
9 If you'll come up and have a seat down here, [REDACTED]. Juror
10 Number 2 is [REDACTED]. Juror Number 3 is [REDACTED].
11 Juror Number 4 will be [REDACTED]. Juror Number 5 will be
12 [REDACTED]. Juror Number 6 will be [REDACTED]. Alternate
13 Number 1 will be [REDACTED]. And Alternate Number 2 will be
14 [REDACTED]. Come take your seats.

15 All right. And just a note, ladies and
16 gentlemen, what we will do after you check into the jury
17 assembly room, most likely they'll tell you that you can leave
18 for the day. This case is open to the public. If you're
19 sufficiently intrigued about the case and you want to come back
20 and sit in on opening statements we will have a little later
21 today, you're welcome to sit in the back.

22 With that, thank you. You're free to go to the
23 jury assembly room.

24 (Struck jurors exit.)

25 THE COURT: All right. Everybody be seated.

1 All right. We will now swear in the jury panel.

2 THE COURTROOM DEPUTY: Jurors, if you would
3 please raise your right hand.

4 (Jury sworn.)

5 THE COURT: Thank you.

6 Members of the jury, we are about to begin the
7 trial of this case. And you've heard some details during the
8 jury selection. But before the trial begins, there are certain
9 instructions you should have in order to better understand what
10 would be presented before you and how you should conduct
11 yourself during the trial.

12 The party who brings a lawsuit is called a
13 plaintiff in this action. It's the plaintiffs, Adelaida
14 Anderson and her husband Jeff, who claim they suffered serious
15 injury when Adelaida was operating a lift truck.

16 The party against whom the suit is brought is
17 called a defendant. In this action, the defendant is Raymond
18 Corporation because they manufactured the lift truck in
19 question.

20 The plaintiff alleges a count in strict
21 liability, products liability, alleging that the lift truck was
22 defective or unreasonably dangerous as designed. The defendant
23 denies the allegations against it.

24 To succeed on the claims, the plaintiffs must
25 prove their claims by a preponderance of the evidence. When I

1 say a particular party must prove something by a preponderance
2 of the evidence, that is -- this is what I mean. When you have
3 considered all the evidence in the case, you must be persuaded
4 that it is more probably true than not true.

5 By your verdict, you will decide disputed issues
6 of fact. I will decide all questions of law that arise during
7 the trial. And before you retire to deliberate, at the close of
8 this case, I will instruct you on the law that you must follow
9 and apply in deciding your verdict.

10 Since you will be called upon to decide the facts
11 in the case, you should give careful attention to the testimony
12 and the evidence presented for your consideration, bearing in
13 mind that I will instruct you at the end of the trial concerning
14 the manner in which you should determine the credibility or
15 believability of each witness and the weight to be given to his
16 or her testimony.

17 During the trial, however, you should keep an
18 open mind and should not form or express any opinion about the
19 case one way or the other until you've heard all the evidence
20 and testimony, the closing arguments of the parties, and my
21 instructions to you on the applicable law.

22 While the trial is in progress, you must not
23 discuss the case in any manner among yourselves or with anyone
24 else nor should you permit anyone to discuss it in your
25 presence.

1 During the trial, I may be called upon to make
2 rulings of law on objections or motions made by the lawyers. It
3 is the duty of the attorney of each side of a case to object
4 when the other side offers testimony or other evidence which
5 that attorney believes is not properly admissible.

6 You should not show prejudice against an attorney
7 or his or her client because the attorney's made objections.
8 You should not infer or conclude from any ruling or other
9 comment that I may make that I have an opinion on the merits of
10 this case, favoring one side or the other. And if I should
11 sustain an objection to a question that goes unanswered by the
12 witness, you should not draw any inference or conclusions from
13 the question itself.

14 During the trial, I may confer with the lawyers
15 out of your hearing with regard to questions of law or procedure
16 that may require a consideration by the Court alone. On some
17 occasions, you'll be excused from the courtroom for the same
18 reason. I'll try to limit these interruptions, but you should
19 remember the importance of the matter you are here to determine
20 and should be patient, even though the case may seem to be going
21 slowly.

22 The case will proceed in the following order:
23 First, the plaintiffs make an opening statement outlining their
24 case. The defendant will make an opening statement, outlining
25 its case. Neither side is required to make an opening

1 statement. What is said in opening statement is not evidence,
2 but is simply designed to provide you with an introduction as to
3 the evidence which the party making the statement intends to
4 produce or to prove.

5 Second, the plaintiff will introduce evidence in
6 support of her claims. At the conclusion of Plaintiff's case,
7 the defendant may introduce evidence. They're not obliged to
8 introduce evidence, but they may introduce evidence. Then the
9 plaintiffs are allowed to offer what's known as rebuttal
10 evidence at the close of Defendant's case. They may be able to
11 offer evidence to rebut evidence that was presented by the
12 defendant.

13 Third, I will instruct you on the law which you
14 are to apply in reaching your verdict.

15 Fourth, the parties present closing arguments to
16 you as to what they consider that the evidence has shown and as
17 to the inference which they contend you should draw from the
18 evidence.

19 What is said in closing argument, just as what is
20 said in opening statement, is not evidence. The arguments are
21 designed to present you -- to you the contentions of the parties
22 based on the evidence introduced. The plaintiff has the right
23 to start opening statement -- or the closing argument and they
24 get rebuttal. So the plaintiff will get to make a closing
25 statement, then the defendant, and if the plaintiff wishes, can

1 rebut arguments made by the defendant.

2 The evidence in the case will consist of sworn
3 testimony of witnesses, regardless of who may have called them,
4 and all exhibits received into evidence, regardless who may have
5 produced them, and all the facts which may have been judicially
6 noticed and which I'll instruct you to take as true for the
7 purposes of this case.

8 Statements and arguments of Counsel are not
9 evidence in the case. Any evidence as to which objection is
10 sustained by the Court and any evidence ordered stricken by the
11 Court must be entirely disregarded by you.

12 Anything you may have seen or heard outside the
13 courtroom is not evidence and must be entirely disregarded. In
14 that regard, you should not seek out any information about this
15 case, the parties, or the attorneys from others or via the
16 internet. You're to consider only the evidence in the case.

17 But in your consideration of the evidence, you
18 are not limited to the bald statements of a witness. In other
19 words, you are not limited solely to what you see or hear as the
20 witness testifies. You are permitted to draw from the facts
21 which you find have been proven such reasonable inferences as
22 you feel are justified in light of experience.

23 At the end of the trial, you will have to make
24 your decision based upon what you recall is evidence. You will
25 not have a written transcript to consult, and it is difficult

1 and time-consuming for the reporter to read back lengthy
2 testimony. So I urge you to pay close attention as the
3 testimony is being given.

4 After the evidence has been heard and arguments
5 and instructions are concluded, you will retire to consider your
6 verdict. You will determine the facts of all the testimony that
7 you hear and other evidence that is submitted. You are the sole
8 and exclusive judges of the facts, and in that field, neither I
9 nor anyone else may invade your province. On the other hand,
10 and with equal emphasis, I instruct you that you are bound to
11 accept the rules of law that I give you, whether you agree with
12 them or not.

13 Now the law in the United States permits the
14 judge to comment on the evidence in the case during trial or in
15 instructing the jury. Such comments are only expression of the
16 judge's opinions as to the fact and the jury may disregard them
17 in its entirety, since you are the sole judges of the facts.

18 During the trial, I will permit you to take
19 notes, but under caution and order. There is always a tendency
20 to attach undue importance to matters in which one has written
21 down. Some testimony which is considered unimportant at the
22 time presented and thus not written down takes on a greater
23 importance later in the trial in light of all the evidence
24 presented. So keep in mind that your notes are only a tool to
25 aid your own individual memory, and you should not compare your

1 notes with other jurors in determining the content of any
2 testimony or in evaluating the importance of the evidence. Your
3 notes are not evidence and by no means a complete outline of the
4 proceedings or a list of the highlights of the trial. Above
5 all, your memory is your greatest asset when it comes time to
6 deliberate and render a decision in a case.

7 I remember the first case I tried as a judge. It
8 was a bench trial. And I was certain that the case was going to
9 go a particular direction. And the outcome of the case changed
10 the very last question asked of the very last witness. And so I
11 learned a very important -- a very important lesson there. You
12 need to keep an open mind throughout the process.

13 The other thing is, you'll get an instruction on
14 circumstantial evidence. Some people think, "Can we rely on
15 circumstantial evidence?" Yes. You can draw reasonable
16 inferences from things that would constitute circumstantial
17 evidence.

18 So with that, I'm going to turn this over now to
19 the lawyers.

20 Counsel, did you have something?

21 MR. LoCOCO: Your Honor, can we just see sidebar
22 briefly? We don't have to be on the record.

23 THE COURT: All right.

24 (Discussion off the record.)

25 THE COURT: If there are -- Counsel reminded me

1 that typically during trials, witnesses are excluded from
2 watching the trial. So if there are anyone in the courtroom
3 that anticipates being a witness who is not a party or not the
4 son of the parties, that person should leave. I have granted a
5 motion to exclude witnesses.

6 All right. With that, Mr. Warshauer, you may
7 proceed.

8 MR. WARSHAUER: May it please the Court, Counsel,
9 Anderson family.

10 It's taken a long time to get here, hundreds of
11 hours of work, but at the end of the day, while it's a big case
12 and an important case, it's a simple case. And I hope not to
13 take too much of your time this morning, or this afternoon to
14 share that with you.

15 Let me start with this thought: All talk and no
16 action. It's how we judge people, and I think it's fair to
17 judge corporations that same way. This is a case about a
18 forklift that kept moving after its driver was no longer in the
19 operator position, then that forklift ran over its own operator
20 and the unguarded wheel on the back of it crushed and tore the
21 flesh off her foot.

22 The Raymond Corporation designed the forklift.
23 Its design choices are why we're here. Let's talk a little bit
24 about these forklifts. We see the forklift here. And we'll see
25 a man come up in a moment, and he's going to get on the

1 forklift, and you'll see he puts two feet -- and the camera will
2 zoom in on the two feet. I'm going to start the video in a
3 second. You'll see the two feet, and then you'll see his hands.
4 One hand draws the tiller -- and I'll tell you about this -- and
5 the other's on this thing called a multifunction. You go
6 forwards towards the forks, it goes towards the forks. You go
7 this way towards the door, it goes towards the door. There's
8 something called plugging. If you're going this way and you
9 want to stop, you just pull it the other way. That's the most
10 common way to stop it.

11 So this operator position that we're going to see
12 in this very short video clip is two feet on the floor, back
13 against the backrest, left hand here, right hand here. Okay?

14 (Video played.)

15 MR. WARSHAUER: Those are the two feet on the
16 floor that I mentioned. That's a critical part of the operator
17 position, hands on the controls. Now when you want to go
18 towards the forks -- we'll see that he drives it -- that would
19 be towards the forks, then you'll see it stop in neutral, then
20 comes back. So what he's done is pushed forward, pull it back,
21 and if he keeps pulling it back, it comes towards us.

22 This idea that we see him coming towards us with
23 the forks trailing is the way that they normally drive in
24 warehouses, and there's a reason for that. You don't want your
25 forks to run where they could poke people or poke things, and

1 you have the best view because you're not looking through the
2 mast. There's a downside. The open doorway is right there, and
3 your left foot is very near it.

4 So here we see a young woman on this forklift.
5 We see her two feet on the floor, her back against the backrest,
6 the left hand on the steering tiller, and the right hand, we
7 could see if she wasn't in the way, is over on the
8 multifunction. But I want to point out one other feature that
9 we're going to be talking about, and that's this unguarded rear
10 wheel.

11 These forklifts, as I told you in voir dire, are
12 most often used in large warehouses. Narrow aisles, lots of
13 things to bump into. They pick things up, they carry them, and
14 then they put them down. Let's keep in mind that that's all
15 they're supposed to do. Pick things up, carry them, and put
16 them down. That's it.

17 When these nearly 9,000-pound hard-tired -- they
18 don't have inflated tires. They're hard rubber tires. When
19 they go even over relatively minor cracks, it can be pretty
20 jarring to the operator. Manufacturers try to fix this with
21 these cushion-ride floors, but at the end of the day, you can
22 only do so much. Even on the smoothest riding forklift, they're
23 jarring when they go over cracks. It's particularly true as
24 forklifts get older, just as old cars with bad shocks go over
25 speed bumps a little differently than new cars do.

1 A critical safety part that should exist in all
2 of these forklifts, and this is something we're really going to
3 be focusing on over the next several days, is that it should
4 stop moving if the operator leaves the operator position.
5 Doesn't matter why they leave the operator position. The
6 forklift should not keep moving. So if they fall out or are
7 thrown out because they hit an impediment, if they're swatting
8 at a bee, if they pass out from heat exhaustion, the forklift
9 needs to stop to protect them from injury.

10 Now if it doesn't, it can run the operator over.
11 Now we know that's important for the forklift to stop moving
12 first because it just makes common sense. And, folks, one of
13 the things I hope that you brought into this building and into
14 that box is your common sense, because it's a really valuable
15 tool in a case like this, and I'm going to rely on it as we
16 present our case.

17 But there's a second reason, other than our
18 common sense, that forklifts shouldn't keep moving when we're
19 not on them, and that's that there are international and
20 national safety standards. These standards require this, they
21 mandate it, that the forklift not keep moving when the
22 operator's no longer in it. The US forklift safety standard
23 that governs forklifts, we're going to talk about it, it's
24 called the ANSI B56.1 Standard, American National Standards
25 Institute, B56.1 Standard.

1 The Raymond Corporation will say that its
2 products must comply with this standard to be safe, but
3 compliance requires design features, not just words. So here's
4 part of the standard. Means shall be provided -- "shall be
5 provided" means it's mandatory, not maybe, but shall be
6 provided -- to disconnect the travel circuit automatically when
7 the operator leaves the operator position.

8 So the operator position is two feet on the
9 floor, back against the backrest, hand on the tiller, hand on
10 the multifunction. Virtually every manufacturer that sells
11 sidestance forklifts complies with this standard by having a
12 deadman pedal under the operator's left foot, the one that's
13 closest to the door, the one that might fall out if something
14 goes south. They have that operator pedal there, that deadman
15 pedal there so that the emergency brakes will apply. If safety
16 is going to be first, the first thing a forklift needs to do is
17 stop moving when the driver is not in the operator position.

18 Every other major manufacturer in the world
19 handles this with two pedals. Every other major manufacturer,
20 when your left foot leaves the floor, the deadman pedal applies
21 the emergency brake. But even without this safety standard and
22 even without the entire industry leading the way, as I said, it
23 just makes common sense. Just makes common sense that a
24 forklift should not move if the operator is not safely in the
25 operator compartment.

1 So let's return back to the Raymond forklift.
2 Now we're looking down into the body of the forklift. We see
3 that there's a pedal there, and that's the deadman pedal. As
4 you operate the Raymond forklift, the two feet on the floor, the
5 forks to your right, the most natural place for that foot pedal
6 to be is under your right foot. And the vast majority of
7 operators do it that way. There may be some people who somehow
8 figured out a way to stand in a weird way, but most people stand
9 with their right foot on that pedal. You hold that pedal down.
10 It's quite easy to hold down. And you let the pedal up to apply
11 the emergency brake.

12 And so if you were to be in the forklift and you
13 needed to stop it the very fastest way, you come up on your
14 right foot. Okay? But if you fell out, the emergency brake
15 would not apply until your right foot leaves it. Also keep in
16 mind, that if your hands are on the controls, as you fall to
17 your left and your right foot is still on the brake, while
18 you're trying to pull yourself back in, you're pulling towards
19 the door, meaning you're making things worse.

20 MR. MURPHY: Judge?

21 THE COURT: One moment.

22 MR. LoCOCO: Is this a witness?

23 THE COURT: Mr. Warshauer, is this your witness
24 in the courtroom?

25 THE COURTROOM DEPUTY: Is she one of the jurors?

1 MR. WARSHAUER: No.

2 MR. LoCOCO: I'm sorry. Thank you.

3 THE COURT: And, folks, if you don't want to wear
4 your mask, you don't have to wear your mask.

5 MR. WARSHAUER: So there's just one pedal. It's
6 nothing under the left foot.

7 So what I want to show you next is how other
8 manufacturers do it. So on the left, we see Crown. Crown has
9 about 50 percent of the market for this kind of forklift,
10 this -- what's called a counterbalance lift. They're used to
11 load trucks. They're the workhorse of warehouses, a
12 multipurpose lift. Crown invented it in 1972. They've had two
13 pedals, one under the right foot, which is the sensor, and under
14 the left foot is a deadman pedal, can be operated with the heel,
15 middle of your foot, anywhere you want, depending on how you
16 stand in the forklift.

17 If the left foot leaves the operator compartment
18 on the Crown and these other brands that I shared with you, the
19 forklift stops as fast as it's able to stop safely. Now that's
20 the way the majority of the industry complies with that B56.1
21 7.20.2 Standard I showed you.

22 So now let's see what happens on the Raymond.
23 Right foot's holding down the single deadman pedal. There's
24 nothing under the left. When the left foot leaves, the forklift
25 keeps moving. The Raymond Corporation is alone in choosing to

1 have nothing under the operator's left foot. It's alone in
2 having a design that allows its forklift to keep moving even
3 when the operator has fallen out.

4 Our focus over the next several days together is
5 going to be on two of Raymond's design choices. First choice:
6 The forklift keeps moving when the operator's out of it. We've
7 got to decide if that's a good choice. The second choice:
8 There's no guard over the wheel. Okay, folks. So this brings
9 us to your job. You need to decide if either or both of the
10 Raymond Corporation's design choices -- if its design decisions
11 make the forklift unreasonably dangerous.

12 All right. What's "unreasonably dangerous,"
13 you're thinking. It just means more dangerous than it needs to
14 be to get the job done. Okay? A knife has to have a sharp edge
15 to get the job done. So the dangerous part of a knife is the
16 only way a knife can exist. If it's not sharp, it's a butter
17 knife. But if you want a steak knife, it's got to be sharp. So
18 there's the danger, but the benefit of that danger exceeds the
19 risk. So a knife is not unreasonably dangerous. Right?

20 A forklift does not have to keep moving when the
21 operator's not in the operator position to do its job of lifting
22 up, carrying, and putting back down, nor does it need to have an
23 open wheel that's unguarded so if you fall out, that wheel can
24 run you over, to do its job of lifting, carrying, and putting
25 down.

1 Now people may say, "Well, there's a benefit to
2 the one pedal. You can -- you can do the hokey pokey with your
3 left foot." You have to decide whether that benefit exceeds the
4 risk, not having a pedal under that foot. The rest of the
5 industries decided that's not a good idea.

6 And then they say, "Well, there's a benefit to
7 not having a guard over the rear wheel. It makes it easier to
8 inspect." Well, you can look over the guard; you can look under
9 the guard. They may say, "Well, it's difficult to change the
10 wheels." You don't change the tires very often, but when you
11 do, you unbolt the guard.

12 So I showed you this a minute ago with only the
13 right-foot pedal. And we have to decide whether that presents
14 an unreasonable danger, a danger that exceeds the benefit.
15 Again, the danger of a knife's sharp edge exceeds the benefit.

16 But how do we know if the choice of one pedal
17 with nothing under the left foot creates an unreasonable and
18 unnecessary danger? The Raymond Corporation's going to say that
19 safety should be first. But did the Raymond Corporation follow
20 this rule or simply give it lip service?

21 Here's what the evidence will show. The Raymond
22 Corporation's reason for not having a pedal under the left foot
23 that would shut this forklift down if the operator fell out,
24 regardless of the reason they're out, is for comfort. They say,
25 "Well, it might limit your ability to move your foot around."

1 The other companies are selling plenty of forklifts that way.
2 They don't advertise it as the safest. Their marketing
3 materials talk about comfort. Their sales brochures talk about
4 comfort, not safety.

5 We're going to help you understand another tool.
6 So we've looked at -- the first tool that I asked you to bring
7 is common sense. The second tool that I wanted you to think
8 about is that B56 mandatory standard. The third tool that we're
9 going to learn about is something called the Design Safety
10 Hierarchy. Now this is used by engineers all over the world.
11 And what happens is -- and by the way, the Raymond engineers
12 believe that this is a good tool to use too. They'll tell us
13 that. But do they follow it? When a danger is discovered, this
14 rule requires the designer, the manufacturer, to first try to
15 see if we can get rid of that danger. Can we design the
16 forklift so that the danger just doesn't exist anymore?

17 The second thing you do is, because that's always
18 going to be the most effective, is that's what the little arrow
19 says, most effective is just get rid of the danger. The
20 ultimate "get rid of danger of forklifts" is you automate
21 everything. That's not possible, so getting rid of the danger
22 is tough. Second thing you do is you can put a guard there.
23 Variety of ways that you can guard the danger.

24 Here, the danger is that the operator will fall
25 out while it's moving. And what can we do to eliminate that?

1 Well, we conduce it with design by having the two pedals, but we
2 can eliminate the design -- the wheel being part of that risk by
3 simply putting a guard over it. Again, it doesn't matter why
4 the operator comes out. These changes, additional pedal and a
5 guard, would protect everybody.

6 Let me be clear. The Raymond Corporation's
7 design allows nearly 9,000-pound forklifts, the weight of two
8 F150 pickup trucks, to keep moving, even when the operator is
9 not safely in the machine. There's no reason for it to do so.

10 Let me also be clear. The Raymond Corporation's
11 response to the danger is not actions. It's words. What it
12 says is, "We told you in our owner's manual to stay in the
13 forklift. We put a sticker right there on the forklift that
14 says, 'Stay in the forklift.' It's on you. You should have
15 followed our direction. Doesn't matter why you got out.
16 Doesn't matter if it was completely not your fault. We told you
17 not to fall out. It's on you." Well, looking at this Design
18 Safety Hierarchy, this tool that's used by engineers all over
19 the world, words are your last choice.

20 So let's go back to the rear of the forklift.
21 Because the Raymond Corporation chose not to use a left-foot
22 deadman pedal that would have stopped the forklift from moving
23 if the operator was out of the position, out of the operator
24 position, this choice created a danger that's somewhat unique to
25 Raymond's forklifts. All the other forklifts -- everybody has

1 an open rear wheel, but the other companies have the brake so it
2 makes it exceedingly unlikely that that wheel will run you over.
3 Raymond doesn't. So if they didn't do the design change, that
4 meant they had to do the guard, and the guard is pretty simple.
5 You just put a piece of metal over the leading edge of the wheel
6 and it can't eat people's feet anymore. It will be for you to
7 decide if relying on warning stickers and videos and owner's
8 manuals is the right way to go.

9 So is it an unreasonable danger? Forklift keeps
10 moving after the operator is out. Is that danger greater than
11 the benefit? That's the evidence you're going to have to look
12 for. Can Raymond show you that that danger is worth having,
13 because there's some benefit it brings? There's no guard over
14 the wheel to prevent it from crushing an operator's foot, and
15 Raymond needs to bring you an excuse for that too.

16 So once we decide that the forklift is
17 unreasonably dangerous, either because it doesn't stop when you
18 leave the operator position or because the wheel is not guarded
19 or both, once we decide the danger is not necessary, what do we
20 do next? Okay. Next we have to decide if it's more likely true
21 than not that these design choices caused us to be here in this
22 courtroom, from the lack of a brake pedal or the lack of a guard
23 over the wheel or any combination thereof, caused the injuries
24 that we're here about.

25 Well, to do that, we need to go back in time.

1 I'm going to take you back in time to July the 29th of 2017.
2 We're in a huge FedEx Supply warehouse, over 2 million square
3 feet. When we look around, we'll actually see a poster of Lidy
4 Anderson on the wall because she is the face of the safety
5 program at FedEx, the poster woman. We also see a bunch of
6 these Raymond Corporation forklifts like the one I've been
7 talking about: One pedal, unguarded wheels.

8 Now it's an older warehouse. It's in Effingham.
9 It's an older warehouse. It's got cracks in the floor, divots
10 where concrete is broken up. Not like huge -- not like a hole
11 that you would trip in, but when you're riding it, 9,000-pound
12 or 8- to 10,000-pound forklift with a hard rubber tire, these
13 things are jarring.

14 Now no one is saying FedEx did anything out of
15 the ordinary or wrong. Not a single expert has blamed this on
16 FedEx. I haven't seen Raymond say it's FedEx's fault. No one
17 has said it's FedEx's fault. In fact, Raymond knows that its
18 forklifts will be driven over expansion joints and pieces of
19 pallets and cracks and divots in the floor. That's just life in
20 warehouses. They're not perfect places. And it knows as a
21 result of that, or it should, that people's feet will shake and
22 that they will make movements of their feet when they're moving
23 around with just little movements, just to stay vertical.

24 Indeed when we look at the forklifts being used
25 in the warehouse, back in July of 2017, we see that the

1 operators are constantly reacting to the floor by subconsciously
2 moving their feet for comfort and balance. These are not
3 volitional movements. You don't think about, "Oh, you know, I
4 think I'd be more comfortable if my foot was a half-inch to the
5 left. I think I'd be -- I need -- I'm going to look back
6 towards my right. Or I'm going to look this way. I think I
7 probably ought to move my feet before I do so." We don't think
8 about those things. They just happen as part of our effort to
9 stay standing on a moving machine.

10 It's about 12:45 in the afternoon, a little after
11 lunch back there in Effingham on the 29th of July of 2017 on a
12 Saturday. We see Lidy Anderson getting directions from her team
13 leader Rachel Boone. She goes up to Rachel's office. She goes
14 up there with her forklift. As one of the hardest workers at
15 FedEx, the poster child, if you will, for being a good worker,
16 she's up for the work. But she says, you know, "I think I'll be
17 better if I got a new battery first."

18 So we see her driving from Ms. Boone's office to
19 get a new battery. As we look, we see a path that she takes.
20 We see Ms. -- my cursor doesn't go there. We see to the left,
21 we see that Ms. Boone's office, and then we see this little
22 thing. It looks like a plug for an extension cord, but that's
23 the forklift path. When this was made, the warehouse had been
24 cleaned out. All the shelving had been sold. FedEx had moved
25 to a new place, and so this is kind of computer-generated stuff.

1 But on the day of the event, we do have a view
2 down the aisle. This was the aisle that Ms. Anderson chose
3 because the adjacent aisles had pedestrians in them, workers who
4 were picking product. And one thing you know when you're a good
5 forklift operator is you don't want to be near people. Why be
6 near people when you can go around them? And that's what she
7 did and that's consistent with the rules.

8 But she hit some cracks as she entered this
9 aisle. You can see some of them on the floor, expansion joints
10 and cracks. And it just shook her a little bit. And she says
11 the next thing you know, she lost her balance. And when she
12 lost her balance, she ended up falling out and the wheel gets
13 her left foot.

14 Now this is the path that she took, and she hits
15 these cracks and loses her balance and falls out. But what we
16 need to keep in mind as we consider the evidence is that if she
17 had been on one of those machines that complied with B56.1, one
18 of those machines that has common sense, one of those machines
19 that puts safety first, it would have proceeded, she still might
20 have lost her balance, but the difference is, when she fell out,
21 it would have stopped and it wouldn't have run over her.

22 So one of the first people on the scene is Rachel
23 Boone. We're going to hear from Ms. Boone. She was
24 Ms. Anderson's team leader. As Lidy, who is what she's known by
25 to all her friends, as she lies on the floor in this growing

1 puddle of blood, Lidy tells her she slipped off and the forklift
2 would not stop. That makes perfect sense. Right? Because if
3 the left foot goes off, the right foot can't come off the brake
4 and you're making it worse. It can't stop until something bad
5 happens. And that's indeed exactly what happens. "Slipped off"
6 means she lost her balance.

7 Now despite this, the Raymond Corporation will
8 try to convince you in the next few minutes and over the next
9 several days that Ms. Anderson loses control while driving down
10 this relatively straight aisle, that this woman with ten years
11 of experience operating this forklift just loses control on a
12 turn that she's done 10,000 times, and that instead of applying
13 the emergency brake or plugging that would have stopped the
14 forklift, she simply decides to step off the forklift in the
15 middle of an aisle for no apparent reason so it can run her
16 over. Raymond Corporation will want you to ignore her expertise
17 as a forklift operator, ignore the cracks, ignore the fact that
18 operators at the facility complain about how the cracks at the
19 facility jostle them, ignore the fact that while she was on the
20 ground, she said she lost her balance, ignore the fact that its
21 forklift design allows it to keep moving after she fell off.

22 It will even show you a video. It will show you
23 a video of a forklift taking the same path, a path that you'll
24 see is not challenging to the operator in the video, who's not
25 even close to as skilled as Lidy Anderson. I mean, she had mad

1 skills. And what you need to ask yourself, and use your common
2 sense, is the forklift the same? Did it hit the cracks? Did he
3 know what was happening?

4 But that's its only argument. Its only argument
5 to distract us from its design decisions is that this is Lidy's
6 fault, because it must be. She didn't follow the rules. She
7 didn't follow the training. She didn't follow the sticker. She
8 knew the rules. She knew the training. She knew the sticker.
9 And she knew that she would never ever get off a moving forklift
10 so that it could run her over. You'll have to decide if that
11 makes sense.

12 We're going to meet Lidy Anderson and her husband
13 Jeff. Now Lidy's from the Philippines. She met her first love
14 there and they came back home to Southern Illinois to live
15 happily ever after. It didn't work out that way. He died at a
16 young age from a heart attack, leaving her a widow.

17 But happily for Jeff Anderson, his mother was a
18 matchmaker. Said, "Jeff, I got a girl you need to meet." Jeff
19 said, "I don't want any girls. I just finished a bad marriage.
20 I'm finished with the girl business." And she said, "This is a
21 good woman." And he said, "Really good woman?" His mom says,
22 "She's a good woman." So he says he'll take her on a date.
23 They go on a date, they fell in love, and they married 18 years
24 ago.

25 They lived a really amazing life, sort of the

1 American dream of hard work. They both worked all the time.
2 Lidy worked all the time. And she worked all the time because
3 they loved adventure. They would go back home to the
4 Philippines. And it was an adventure. They would ride motor
5 cycles. It was an adventure. They had horses. It was just
6 this life of adventure. And they had this amazing young man,
7 Luke, who's turned into a pretty decent basketball player, I'm
8 told. I don't know about that, but he's been raised right.
9 You'll see.

10 Well, Lidy's life changed when the Raymond
11 Corporation's forklift ran over her because she lost her
12 balance. She hit some cracks. Her foot moved a couple inches
13 to the left. Not intentionally. Just because people's feet
14 move when we bump into things. And she fell out. And then the
15 unguarded wheel ran her over and chewed the skin off her leg
16 from the ankle down, like removing an athletic sock.

17 She's not done well. We're not going to be
18 hearing about one of these amazing people who get an amputation
19 and they get great prosthetics and they go on to be in the
20 Olympics. We're going to hear about somebody who it hurts to
21 put her prosthetic on. We're going to hear about somebody who
22 has phantom pain, that is, they feel as if their foot was still
23 there and it won't go away. We're going to hear about somebody
24 who basically lives in a wheelchair. She's 54 and she's going
25 to be a different person with different needs for the rest of

1 her life. Her past medical bills alone are \$870,776.

2 Now we're going to bring a witness to you named
3 Jan Klosterman who's a certified nurse life care planner. And
4 what Ms. Klosterman's going to help us understand is that living
5 with this kind of injury requires money. As she ages, she's
6 going to need health care. She needs home adjustment. She
7 needs prosthetics. She needs therapy. She needs all of these
8 things and it costs money. And Ms. Klosterman has made it her
9 life goal as an adult to help people figure out how to do that,
10 how to come up with that money, to live the best life possible.

11 The cost for Lidy's life care plan, just to keep
12 her in legs and assistance, is \$3,014,062. And we'll bring all
13 this to you later. Because she's unable to work, we're going to
14 learn that the value of her lost wages is \$973,248. But these
15 numbers don't include physical pain, mental pain, disfigurement,
16 posttraumatic stress disorder, loss of society, companionship,
17 marital relations.

18 And I want to share with you a little bit about
19 Jeff. Jeff has terminal cancer. He has had some rough goes of
20 it. We're doing good today. But Lidy could not take care of
21 Jeff when he needed her most. And when he will need her even
22 more, I pray to God that it doesn't happen, but when he needs
23 her even more, she won't be able to give him the support that
24 that 18-year investment in their marriage warranted, that she
25 wants to be able to do, and that he deserves. And that's one of

1 the damages we're going to be talking about.

2 Now before I end my discussion with you, I've got
3 to tell you that we're going to hear from a variety of expert
4 witnesses. When you consider their testimony, compare them to
5 your common sense. I'm going to bring you Dr. John Meyer. He's
6 a mechanical engineer. He's going to help us understand how the
7 Raymond 4250 compares with the standards, with the Design Safety
8 Hierarchy, with the rest of the injury, and just good
9 engineering. And he's going to help us understand how if this
10 forklift had been designed consistent with the way the rest of
11 the industry does it, we would not be here.

12 We're going to meet a fellow named Professor John
13 Jeka from the University of Delaware. He's one of the world's
14 leaders on balance. I think you're going to find this really
15 cool. It's really fascinating, because we all think we know
16 about balance because we learn in seventh grade how our inner
17 ear works. It's not that way at all. It's an automatic
18 response that's modulated by our spinal cord. And we move our
19 feet sometimes and we don't have any idea they're moving. He'll
20 tell us things like, raise your right arm. What's the first
21 muscle that fires? It's not your shoulder. It's in your legs,
22 because if it wasn't in your legs, you'd tip over. Nobody knows
23 that. He's going to help us understand that, because it
24 explains how Lidy's foot got out. That's not carelessness by
25 her. It just happens because humans move that way as part of

1 our balance system. Now it's just an automatic response to an
2 ever-changing world and ever-changing riding.

3 We're also going to hear from Professor Jason
4 Kerrigan. Dr. Kerrigan teaches both biomechanical engineering
5 and he teaches at the medical school at University of Virginia
6 to help people understand biomechanical issues. And
7 Dr. Kerrigan's going to help us understand how Ms. Anderson fell
8 out of the forklift and why a wheel guard would have made a
9 difference. In other words, if there had been a wheel guard,
10 the injuries would be either none or substantially less.

11 One last thing about these experts, Dr. Meyer,
12 Dr. Jeka, Dr. Kerrigan, they're also going to help us understand
13 why the opinions offered by the experts brought by the Raymond
14 Corporation just don't make sense. Look at their video, ask, Is
15 that the same age forklift? Does it ride the same? Are the
16 hours on the forklift the same? In other words, are the mileage
17 the same? Is the path the same that Lidy took?

18 Well, at the end of the evidence, we're going to
19 ask you to put the cost of Raymond, the Raymond Corporation's
20 choices, the cost of what the Raymond Corporation took away from
21 this family, from Lidy and from Jeff Anderson, on the Raymond
22 Corporation, and not on Lidy and Jeff and their family. And we
23 will ask for your verdict in the amount of \$14 million. Thank
24 you.

25 THE COURT: All right. It is 20 minutes after 2.

1 I anticipate the opening statement of Defendant will take a
2 little time so we're going to take our first break. This break,
3 folks, we will show you to the jury room. There are snacks in
4 there. If you look in the refrigerator, there's various
5 chocolates and other goodies that are there for your use.

6 So I'm going to read you an instruction, though.
7 I won't read it every time we take a break, but I am required to
8 do it regularly. And here it goes.

9 We are about to take our first break during the
10 trial. I want to remind you of the instruction I gave you
11 earlier. Until the trial is over, you're not to discuss this
12 case with anyone, including your fellow jurors, members of your
13 family, people involved in the trial, or anyone else.

14 You may not communicate with anyone about this
15 case using your cell phone or through e-mail, a Blackberry, an
16 iPhone, text messaging, or Twitter. Certainly you're not
17 supposed to go through any blog or website, Facebook or any
18 internet chat room, other social media, Instagram, Snapchat,
19 LinkedIn, or YouTube.

20 If anyone approaches you and tries to talk to you
21 about the case, do not tell your fellow jurors but advise me
22 about it immediately. And also, do not read or listen to any
23 news reports of the trial.

24 Finally, remember to keep an open mind until all
25 the evidence has been received and you have heard the views of

1 your fellow jurors.

2 While I may not repeat this instruction at every
3 break, it is important that you keep it in mind throughout the
4 trial. We are in recess until 2:30.

5 (Jury exits at 2:19 p.m.)

6 (Recess from 2:19 p.m. to 2:31 p.m.)

7 THE COURT: All right. Let the record reflect
8 that we're back on the record. The jury is still in the jury
9 room and Counsel for Raymond wanted to present something to the
10 Court.

11 MR. LoCOCO: Thank you, Your Honor.

12 We talked Friday about opening statements and the
13 use of exhibits during opening statement and showing each other
14 what we intended to use. When we came in this morning, I asked
15 Mr. Warshauer what he intended to use, and I had up all the
16 slides I intended to use, which I showed to him. I just added
17 one, which I showed to him. He showed me about six pieces of
18 paper, which I knew would be shown --

19 THE COURT: Could you hold on a second? People
20 are running in and out of this door. I don't know what's going
21 on. Is there something going on?

22 THE COURTROOM DEPUTY: Well --

23 THE COURT: We're going to have something --

24 THE COURTROOM DEPUTY: Go ahead.

25 THE COURT: We've got a hearing going on on the

1 record. When this is over, then we'll alert the jury. We'll
2 bring them out. Okay?

3 MR. LoCOCO: And so I asked Mr. Warshauer to show
4 me what he intended to use. He showed me about six pieces of
5 paper, most of which were photographs. I saw no video. I saw
6 no, you know, PowerPoint with arrows moving and I saw nothing
7 about the Safety Design Hierarchy. And I -- we prepared a
8 motion to warn the Court, because I've been in trials with
9 Mr. Warshauer before. And we decided on our team, it's a new
10 day, we didn't want to start off on the wrong foot. And I
11 probably wouldn't have objected to what was used.

12 My objection, Your Honor, is that we had a clear
13 directive from you Friday. I in good faith showed Mr. Warshauer
14 everything I intend to use to show to the jury, and he did not
15 return the favor. And I hate that we have to put everything on
16 the record, but we'll have no choice but to keep doing that if
17 Mr. Warshauer isn't -- doesn't comply with instructions and, you
18 know, the niceties and the decorum that you require.

19 I was left with -- there was one I wanted to
20 object to, but then I'm interrupting his opening statement,
21 which as you know, Your Honor, given your experience, no lawyer
22 wants to do that to another lawyer. So I'm not asking for any
23 relief at this point. It's a -- it's something on the pile,
24 though, that concerns me, since we're at the start of the trial.
25 Thank you.

1 THE COURT: All right. Mr. Warshauer?

2 MR. WARSHAUER: I'm not even sure it merits a
3 response, Your Honor.

4 THE COURT: It does merit a response. If --
5 wait. If in fact you made representations to your opponent
6 that, "Here are the things I'm going to show the jury," and you
7 did not -- and you did not share with him things that you
8 actually did show the jury, that merits a response.

9 MR. WARSHAUER: That would if that was true.

10 THE COURT: Because it invites a response from
11 me.

12 MR. WARSHAUER: That would be true.

13 THE COURT: All right. So go ahead.

14 MR. WARSHAUER: But the reason I said it doesn't
15 merit a response is because it is not true. The video, I showed
16 him the still from the video. I said, "This is from your video
17 called 'Safety on the Move.'" There was no -- nothing
18 surprising about that. The Design Hierarchy, the response --
19 the agreement was we would show each other evidence. That
20 triangle doesn't go out with the jury. It's just a
21 demonstrative thing that we draw. It's not part of what we're
22 doing. The logos aren't evidence either. They're part of my
23 argument. I didn't show him unreasonable danger. I said, "I'm
24 not showing you the words. I'm showing you things that are
25 evidence that if you have a problem with these going out --"

1 Similarly, he showed me things that are evidence.
2 I had no expectation nor do I believe I've seen anything he has
3 that are words or surely demonstrative. We talked about his
4 evidentiary things and we did that before lunch. I said, "I
5 don't agree with all of them." And the Court said, "Well, you
6 don't have to make the objection during the closing -- opening,"
7 which I -- is fine. But I showed him the things that were
8 evidentiary, the things that had numbers, that have a potential
9 for coming in. I absolutely stuck with what I understood to be
10 our agreement.

11 THE COURT: Except this. If -- suppose you put
12 something up there that you said, "Well, this is not going to be
13 evidentiary, because I know the judge would never allow it in to
14 begin with," that's problematic. When lawyers tell me that
15 they've met and they've discussed things and they've shared what
16 they're going to share, I take them at their word. I'm
17 fourth-generation trial lawyer. That's the way I was raised.
18 It's the way I practice law. I don't like having to micromanage
19 trials, particularly one that's going to last this long. But
20 I'm also very sensitive to the problems with springing surprises
21 on opponents during the middle of trial.

22 MR. WARSHAUER: There was no --

23 THE COURT: And particularly when there's a
24 gentlemen's agreement ahead of time. We're not going to be
25 doing those things.

1 MR. WARSHAUER: I showed him all the evidence.
2 That's what I understood would be our agreement.

3 MR. LoCOCO: Your Honor --

4 MR. WARSHAUER: I would never show anyone
5 something like my list of unreasonable danger. That wouldn't --
6 I'm not showing the whole thing. I never understood "Show the
7 entire slideshow." It was "Show things that are evidentiary so
8 that we can object beforehand."

9 THE COURT: I think going forward, you should
10 presume that if we have an understanding that you're going to
11 show something to the jury, that you have to show the other side
12 first. It works both ways. "I'm going to show this picture."
13 So you've made your record. You've responded --

14 MR. LoCOCO: Well, I didn't lie, Your Honor,
15 about what I said happened this morning. And Mr. Warshauer has
16 now admitted that he didn't show me everything he was going to
17 put up in front of the jury. That was my understanding. And I
18 guess I used the wrong words. Shame on me. That's not how
19 lawyers are supposed to deal with each other. And
20 Mr. Warshauer's a smart guy. This is the third time he's done
21 this to me, and it's going to be the last.

22 MR. WARSHAUER: You know what? It's not the
23 third time. Quit inventing things, Mr. LoCoco.

24 MR. LoCOCO: Young, Dezoete. You were admonished
25 in Dezoete over it.

1 MR. WARSHAUER: That's not true. The reality,
2 Your Honor, is I genuinely believed it was limited to evidence.
3 I've never ever in my life shown every slide that I would show.
4 If that's what I should have understood, I apologize. If that's
5 what I should have understood, I will make sure that that is
6 what I understand as we move forward. I'd --

7 THE COURT: Well, a slide that just shows your
8 argument that ticks off, you know, "It's unreasonable for one,
9 two, and three," I could understand that. But the videos and
10 photos and logos, those are all things --

11 MR. WARSHAUER: I did show all the photos. The
12 video still, I said, "This is from your 'Safety on the Move.'" I
13 told him that.

14 MR. LoCOCO: He didn't say he was going to show
15 the video, Your Honor, and he didn't show me the logos. So I'm
16 fine.

17 MR. WARSHAUER: I intentionally didn't show the
18 logos. I didn't think they were evidence. That was my
19 understanding. I won't do it again.

20 THE COURT: All right. Thank you.

21 MR. LoCOCO: Thank you.

22 THE COURT: Let's bring the jury in.

23 (Jury enters at 2:39 p.m.)

24 THE COURT: Please be seated, everyone, thank
25 you.

1 We are back on the record in Anderson v. Raymond.
2 We're now at that part of the proceeding with Defendant's
3 opening statement.

4 Counsel, please proceed.

5 MR. LoCOCO: Thank you. Thank you, Your Honor.

6 May it please this Honorable Court,
7 Mrs. Anderson, Mr. Anderson, Counsel. May it please you,
8 members of the jury.

9 As you know from this morning, my name is Frank
10 LoCoco. And along with Pat Murphy and Margaret Heitkamp, we're
11 proud to be here representing the people at Raymond in Greene,
12 New York, who are today working on the design, manufacture, and
13 sales of lift trucks like the one you see in the photograph here
14 that are useful and safe for society.

15 Thank you very much for all of your service. We
16 know it's an inconvenience. I was listening to Mr. Warshauer's
17 opening statement, and I've never used this reference or
18 metaphor in an opening statement, but it seemed apt. I think we
19 all missed it now, but there used to be a newscaster up in
20 Chicago. He broadcast out of Chicago, but he was national.
21 Paul Harvey. And he was famous for "the rest of the story."

22 And there's always the rest of the story, and
23 what I'm going to try to do for -- through this opening
24 statement is explain to you the rest of the story, why this
25 product was designed the way it is, why it has an open back, why

1 it has a deadman pedal, the fact that it's over 8,000 pounds,
2 and nothing that weighs that much stops on a dime. I'm going to
3 explain to you how Raymond went about designing the truck as
4 opposed to what you'll hear in the evidence about how
5 Mr. Warshauer's plaintiff expert witnesses criticized this
6 truck. There's a whole design process that you're going to hear
7 about.

8 I'm going to explain to you that we didn't
9 hear -- you know, when a lawsuit is brought, it takes a year or
10 two to come to this point. We're at trial. The lawyers ask for
11 things from each other's witnesses and each other's parties,
12 depositions are taken where people sit down and they're sworn
13 under oath and you take testimony, we got medical records, we
14 got the FedEx Supply Chain investigation materials,
15 Ms. Anderson's training documents. She was trained very well
16 and she was a good worker, but the evidence is going to show she
17 made a mistake this day. So we got that.

18 We got the medical records. We got statements
19 that were given, including by Rachel Boone, who's supposed to
20 testify. I think our first witness. And there is not one piece
21 of paper that we came across that said anything about losing
22 balance. The first time we heard "losing balance" in this case
23 is when I sat down virtually, because of the pandemic, with
24 Mrs. Anderson. She was in her home in Effingham. I was in my
25 office in Milwaukee. And she testified -- I got it further down

1 in my notes, but I want to read it to you now. She testified,
2 "I was driving in my forklift. I ran over some crack. My
3 forklift was shaking and I lost my balance. The next thing I
4 knew, I was on the ground and the forklift ran over my leg."

5 A few pages later in the transcript, I tried to
6 follow up. "Do you recall how you came out of the compartment?"
7 Answer: "It was shaking in my forklift. The next thing I knew,
8 I was on the floor and it ran over my leg." That time, she
9 didn't say "balance." There's no piece of paper, no medical
10 record, no statement from a witness saying that Ms. Anderson
11 lost her balance. We heard that after the lawyers got involved
12 and after the lawsuit got filed.

13 And I'm going to come back to the issue of
14 balance, because this compartment that we see in this photograph
15 here was designed to make the operator comfortable and safe and
16 secure. And you're going to hear about that during the trial.

17 So why are you here? Why did we need you to be
18 here? Because you need to decide this case. And this case,
19 this trial, and ultimately your deliberations are about one
20 thing: Who or what is responsible for the accident and serious
21 injury suffered by Mrs. Anderson back on July 29, 2017. We will
22 prove to you through the witnesses who testify and the exhibits
23 that you see that this accident, these injuries, were caused not
24 by the design of this lift truck, but by the conduct of
25 Mrs. Anderson herself, her failure to take care of her own

1 safety, her failure to follow the training, warnings, and
2 instructions she was provided. If she had done that, we
3 wouldn't be here today.

4 Mrs. Anderson was taught to stay within the
5 protective confines of the operator's compartment, and we'll
6 show that during normal operation of the forklift, there's no
7 reason to leave the safe confines of the operator's compartment.
8 And Mrs. Anderson sustained a serious injury because she left
9 the compartment while it was still moving, while it was moving
10 toward a potential collision with that post that we see in this
11 photograph.

12 This photograph was taken a few months after the
13 accident, but this shows how the forklift was situated at the
14 time Mrs. Anderson was found by Ms. Boone. As Mr. Warshauer
15 told you, she was found in this area. She's only a foot or two
16 from a collision with that vertical post. And the evidence that
17 we bring to you is going to show that instead of just staying in
18 the compartment, where she would have been safe even in a
19 collision, or lifting her right foot to stop the forklift, she
20 got out and tried to get away, and that's why she got caught by
21 that steer wheel.

22 And you're going to see a lot of scientific
23 evidence that explains that to you, kind of like CSI, working
24 with the medical records and the injuries and working backwards
25 with this geometry to figure out actually what happened, because

1 there were no eyewitnesses and Mrs. Anderson's memory is not
2 great about what happened, other than what I read to you.

3 So this forklift is loaded with design features
4 that are intended to keep not just Mrs. Anderson safe but any
5 operator of a lift truck like this. It's over 4 tons.
6 Mrs. Anderson will tell you, she knew that it could hurt her
7 badly if she got out of the truck while it was still operating,
8 while it was still moving.

9 If Mrs. Anderson -- and this is what the evidence
10 is going to show. If she had followed her training, used her
11 right foot to stop the truck, because she testified that she
12 used her right foot on that deadman pedal -- just to be clear,
13 the deadman pedal -- let me get to a better picture. So this is
14 the deadman pedal down there. Now the way it works is backwards
15 of a car. You don't push on it to brake the lift truck. In
16 order for the -- it's an electric truck. It's powered by a
17 36-volt battery. In order to power the truck, you have to push
18 your foot down on the pedal. Before you do that, though, you
19 turn a key. There's three microprocessor computers at least on
20 this truck. It does a self-test to make sure everything's
21 working, then you put your foot down on the pedal to energize
22 the truck and make sure it can work. And this handle is used,
23 the travel lever, to go forwards and backwards, and this steer
24 tiller is used to go left or right, to turn. And that's how the
25 truck is used.

1 So if Ms. Anderson had just picked up her right
2 foot, two things would have been true: One, the truck would
3 have stopped. But it doesn't stop on a dime. It's
4 8,000 pounds. From full speed, this truck will stop -- which is
5 about 8 miles an hour. This truck will stop in about 10 feet.
6 The other thing that happens, if you're standing the way
7 Mr. Warshauer described -- so I'm in that compartment the way
8 you see it. You pick up your right foot. What happens then?
9 Your left foot has the weight of your body. You're holding on
10 to these handles. Your back's against the back pad. You can't
11 get out of the forklift because you weighted your left foot.
12 All your weight's on your left foot, so you can't stick your
13 left foot out.

14 Now even though we don't have the burden of proof
15 on the design issues, as I said, we're going to explain to you
16 why this forklift is free of defects. We heard about two that
17 they're claiming this forklift had back at the time of this
18 incident. Mr. Warshauer mentioned Dr. Meyer and Dr. Kerrigan.
19 Well, when I took their depositions last year, they had at least
20 four theories, so I guess we're down to two now.

21 In any event, this truck was designed as a safety
22 system to minimize the overall risk to operators, no matter what
23 the hazard is. So there's a hazard of a collision, obviously.
24 Right? Whoops. Let me get rid of this. Went the wrong way.
25 So that's a collision hazard. Raymond designs for that. These

1 trucks also lift things very high and so the trucks can tip
2 over, and they're used on loading docks so they can also go off
3 a dock if other safety rules aren't followed. And so the
4 operator -- that compartment has to have an open back. That
5 open back has to be there so that an operator, in the event of a
6 tip-over or an off-the-dock, can get away from the danger of the
7 tip-over quickly and easily.

8 The flip side is, the compartment is designed so
9 that if you're about to have a collision, you get away from the
10 danger by getting yourself further into the compartment. And
11 the evidence is going to show that in addition to this pedal --
12 which if you take your right foot off of it, your left foot is
13 weighted so it can't go outside. Also, you're going to learn
14 that this left-side hip bolster keeps -- is just enough of an
15 edge to help you keep nestled in that compartment.

16 You're going to learn that the floor down here is
17 tipped. So if you're looking at the back of it like we are,
18 it's tipped from left to right and from the back of the forklift
19 to the front in order to keep you in that corner furthest away
20 to give you stability and comfort and safety. All of that was
21 designed into this compartment to help the operator stay in.

22 There's a slip-resistant floor mat there. These
23 handles that we talked about are substantial for keeping the
24 operator firm. And then we of course have the back pad.

25 We are also going to prove to you -- so we're

1 going to prove to you that this design the way it is minimizes
2 the risk for all users. We're going to also prove to you that
3 this pedal design that Mr. Warshauer spoke with you about is
4 extremely safe and flexible for the operator. You put two
5 pedals down and force the operator to stand on two pedals for
6 eight hours, they get no posture relief. So it will be
7 important to listen to the other side's experts on how they took
8 that into account, which they didn't, because they haven't
9 designed anything.

10 Mr. Warshauer says if they had just done what
11 Crown did, left-foot deadman pedal -- these same expert
12 witnesses, who I expect you'll hear from in this case, Dr. Meyer
13 and Dr. Jeka, were in a courtroom in Florida less than one month
14 ago criticizing Crown for having a left-foot deadman pedal.
15 Dr. Jeka likes the right-foot deadman pedal. But we're here now
16 against Raymond, so the evidence you'll hear from Dr. Jeka and
17 Dr. Meyer here is that they should have the Crown pedal, not the
18 Raymond pedal. Well, this is the Raymond case.

19 We will also show to you through the evidence
20 that even if there had been a left-foot deadman pedal, even if
21 there had been a left-foot deadman pedal, we'd still be here.
22 The truck did stop. The truck did stop. It didn't collide.
23 And Mrs. Anderson doesn't remember how her left foot came out.
24 She doesn't remember the details of how it got under the left --
25 under the steer tire. And that left-foot deadman pedal that

1 Mr. Warshauer's talking about would only matter if the truck had
2 stopped before it hit the left foot. And we're going to have
3 evidence to prove that even if the pedal had been under the left
4 foot instead of the right foot, she would have still been
5 injured, which brings up an important concept.

6 Part of your work in this case is to determine
7 whether the defect claims they make, if fixed, would it have
8 made any difference in the outcome here? Lawyers call that
9 causation. I guess normal people call it causation too. It'd
10 be like saying that the Raymond lift truck is defective because
11 it's red. Well, the defect of redness only matters if it would
12 have prevented -- if it had something to do with Mrs. Anderson's
13 accident. Same with the second deadman pedal. Same with the
14 guard over the steer tire. We're going to have scientific
15 evidence here to show you that it would have made no difference
16 whatsoever. What would have made a difference is Mrs. Anderson
17 following her training and instructions, staying in that safe
18 compartment.

19 This case is very simple, but designing a piece
20 of equipment like this is complex, and you can't do it on the
21 back of a napkin. One of the things you're going to -- one of
22 the witnesses we intend to have here is a man named Bob Kerila.
23 Mr. Kerila is a mechanical engineer at the Raymond Corporation.
24 He's been there for 25 or 30 years. He will take you through
25 the steps of the design process that Raymond uses. I've got up

1 on the screen now -- it's a little small to see. We'll blow it
2 up during the trial.

3 But Raymond has a seven-step process from Phase 0
4 to Phase VI. It includes a concept, feasibility, planning and
5 specification, design, develop, and test, document, release and
6 launch, production, program audit, review. It's a lengthy
7 process. It's got hundreds of steps. And Dr. Meyer, who's here
8 to tell you about these two defect allegations that he's come up
9 with, the left-foot deadman pedal and the guard over the steer
10 tire, he'll tell you that he's only gotten to the concept phase.
11 He hasn't done any of these other steps in the design process,
12 but he'll be here tomorrow or the next day criticizing Raymond's
13 design.

14 So I want to kind of dig in a little bit more
15 into each of those three areas: What happened during the
16 accident, how this truck was designed, and why it's designed the
17 way it is.

18 Let me tell you a few things about Raymond.
19 Raymond is a company that was founded by a man named George
20 Raymond almost a hundred years ago. It had been ongoing for
21 about 45 years prior to that, but then it was only making
22 agricultural implements. It's in upstate New York, in Greene,
23 New York, which is about an hour and a half southeast of
24 Syracuse, about three hours west of New York City. It's in the
25 Finger Lakes region. They also have a plant in Muscatine, Iowa.

1 And over the years, Raymond has become a major
2 manufacturer of lift trucks. Currently, they have about 1,500
3 employees total, about 1,100 in Green, New York, 400 in
4 Muscatine. These people design, manufacture, sell, market lift
5 trucks. If I said this, I apologize, but they have about 200
6 degreed engineers of all sorts of types: Software engineers,
7 mechanical engineers, electrical engineers. It's an electric
8 truck. And those engineers spend their time designing and
9 testing to make sure that the truck is safe for people to use
10 like Mrs. Anderson.

11 As I said, the open back is a conscious safety
12 feature. It's a required safety feature. Mr. Warshauer showed
13 you the B56.1. This is the ANSI Standard. This is the standard
14 that Raymond has to comply with when it sells a truck to an
15 employer, and you'll see a few sections. Mr. Warshauer already
16 showed you this 20.2, which says you have to have a traction
17 cutoff if the operator leaves the operator's station.

18 Well, first of all, a traction cutoff is not a
19 brake. Put that aside for a second. All that means is when you
20 get out of the truck, it shouldn't -- the traction should cut
21 off, which this truck does. If you look at the operator's
22 manual, when you get out of the -- and we'll do this. When you
23 get out of the truck, you come to a stop, you take your foot off
24 the deadman pedal, that sets the parking brake, you turn off the
25 key, and then you get out of the truck.

1 In any event, a couple other sections. There's a
2 Section 7.41, which has this note on it. "Stand-ups, rear
3 entry, end control, narrow aisle, and reach trucks shall be
4 designed with open operator compartments to permit easy ingress
5 and egress. This allows the operator where possible a free and
6 easy egress from the truck in the event of an imminent tip-over
7 or off-the-dock accident."

8 This standard, the B56.1, is called a balance
9 standard. Only one-third of the seats on it are held by
10 manufacturers. Another one-third are by users. Another
11 one-third are by people who are interested in being on the
12 standard writing committee.

13 Mr. Warshauer's expert witnesses, Dr. Meyer and
14 Dr. Jeka, they could be on that committee if they petitioned to
15 be on it. They could write recommendations for the standard.
16 They haven't done that.

17 In any event, it's a balance committee. It
18 includes someone who represents the UAW, all the auto workers.
19 It includes a representative from OSHA whose only task is
20 operator safety.

21 There's another section -- whoops, let me get rid
22 of this. In the section for users, it says "A dock tip-over can
23 occur if a truck is steered over the edge or driven off a dock
24 or ramp. They can also occur if a highway truck or trailer
25 rolls away from the truck -- from the dock or is driven away.

1 "(e) These trucks are designed with open operator
2 compartments to permit easy ingress and egress. Although
3 there's no sure way in all circumstances to avoid injury, where
4 possible, in the event of an imminent tip-over or off-the-dock
5 accident, the operator should step off and away from the truck.
6 These actions are intended to reduce the risk of serious injury
7 or death. For non-tip-over accidents, such as imminent
8 collision with other objects in the work environment, the
9 operator should utilize protection provided by the compartment
10 by staying within its confines."

11 So right there in that snippet of the standard,
12 you hear about collisions and you hear about off-the-docks and
13 tip-overs. Now there's other safety features on the truck that
14 really aren't relevant here. There's an overhead guard to
15 protect the operator if stuff falls off from up on other
16 shelves. Doesn't really have anything to do with this case.

17 The battery, by the way, is here. It's a 36-volt
18 battery, I think. Anyway, it weighs over a ton, just the
19 battery.

20 That's the front page of the operator's manual
21 that goes with the forklift. This is the top section of the
22 warning decal that's on the forklift. "When stopping, stay
23 inside the compartment until truck comes to a complete stop --
24 complete halt. Keep all portions of the body inside the
25 operator's compartment."

1 This compartment is designed to accommodate the
2 5th percentile male -- female, up to the 95th percentile female,
3 so someone who's small in stature. Mrs. Anderson, who was about
4 5'3" at the time of the accident and 170 pounds, something like
5 that, it accommodates someone her size. It also accommodates --
6 I don't know if my weight fits it, but it accommodates somebody
7 up to 6' or 6'2" and 2-something. So it's made to accommodate a
8 number of different sized individuals.

9 This one's a little hard to see here, but we'll
10 have some other pictures that show these armrest areas. There's
11 three levels of arm rests because it's there to accommodate
12 different sizes of operators.

13 This forklift, the 4250 -- this is not true on
14 most other forklifts. The 4250, though, had something that
15 Raymond calls the floating floor. These trucks -- Mr. Warshauer
16 said they're hard rubber tires, they're not inflated, and
17 there's no suspension like you have in a car, so there's --
18 there can be obvious road shock. But this truck has a floating
19 floor, and that's -- that means it's got a dampener to take on
20 going over cracks in the warehouse floor. The truck is designed
21 to accommodate that.

22 Also what you'll hear is that Raymond does not
23 put a product out in the field until it's gone through thousands
24 and thousands of hours of testing and evaluation. I'll just
25 give you one example. The 4250, this issue of balance,

1 Mr. Kerila will tell you that they have -- they have people at
2 Raymond called night riders. They come in second and third
3 shift, and all they do is drive prototypes around the factory,
4 around the test lab, at Raymond, and even over something called
5 a bump track, which has bumps and ridges and -- to mimic going
6 over a rough floor. And the operators keep notes, they report
7 problems, and Raymond designs based on the feedback they're
8 getting. Mr. Kerila will explain that to you.

9 We intend to have three -- we told you about
10 Mr. Kerila. We intend to have three other experts testify.
11 We're not going to call all of them. As you already heard, we
12 don't have to put any evidence on. But they're Dr. Timothy
13 Rhoades, Dr. Kate Rodowicz, and Mr. Michael Rogers.

14 Dr. Rhoades is a renowned human factors expert
15 witness. He is -- he was a professor for a long time at
16 University of Michigan in Ann Arbor. Raymond's engineering
17 department went out and had him look at the operator's
18 compartment and the right-foot pedal. And he did testing
19 involving Raymond trucks, Raymond operators, millions of pieces
20 of data, to determine how operators use the truck, and he'll
21 explain his research to you.

22 And he'll tell you that his research showed that
23 people use the back pad, that people do move their feet around
24 in the compartment, and that gives them good posture relief.
25 And that during all the testing he did, no one ever fell out or

1 lost their balance. Mrs. Anderson had been operating in this
2 facility for three or four years. She had never fallen out or
3 lost her balance.

4 You'll hear about some other things that Raymond
5 sends along with the truck: A DVD entitled "Principles of Safe
6 Operation." I expect you'll see that. Training is incredibly
7 important. You can't just get on this truck. It's not a
8 toaster or a blender. So you'll hear about that.

9 You'll hear that operators are trained to stay
10 away from the danger. If there's a collision, you get in the
11 compartment. If you're going off the dock or tipping over, you
12 get out of the compartment.

13 Mr. Kerila will explain to you how safety is a
14 part of every bit of their design effort within the engineering
15 department. They test component parts, they make prototypes for
16 use in the lab, then they do field testing out in the field.
17 And they get feedback and they refine the design, and only then
18 does it get ready to be put into the facility -- into the
19 market.

20 You'll also learn that no product, let alone a
21 lift truck that weighs 8,000 pounds, is accident-proof. So the
22 evidence is going to show that this design, though, is there to
23 protect operators, including Mrs. Anderson. She had the
24 protection she needed.

25 Dr. Rodowicz and Mr. Rogers -- Mr. Rogers is a

1 mechanical engineer. He has -- he's a member of the B56.1
2 committee. He's on the committee that writes that standard.
3 He'll tell you that this design complies with even 20.2,
4 Mr. Warshauer's section. He's a mechanical engineer. He's been
5 working on forklift issues for 30 years, over 30 years.

6 Dr. Rodowicz is a biomechanical engineer. She's
7 from a company called Exponent, which has like 700 engineers and
8 multiple offices. She's got her Ph.D. in biomechanics, which is
9 the study of biology, people, and engineering principles. I'm
10 going to come back to her in a second.

11 Mr. Rogers is with a company called Fusion
12 Engineering, located in Naperville, Illinois, which most of you
13 know is a little west of Chicago.

14 We talked about the open back, why the truck has
15 an open back. Well, part of the analysis that Mr. Rogers and
16 Dr. Rodowicz did for Raymond was, well, what happens if somebody
17 does stay in the compartment and doesn't get away? Well, they
18 can be seriously injured. And so they did -- to learn about
19 that, they did some off -- what we call off-the-dock testing.
20 This is the same style of truck that was involved in
21 Mrs. Anderson's accident. I'm going to just play it through.
22 There's an anthropomorphic test dummy on the truck, an ATD.

23 (Video played.)

24 MR. LoCOCO: Here's the same test, but this is
25 from the back and it's in slow motion. The ATD is instrumented

1 in the head, the neck, the chest, the pelvis. The head has
2 chalk on it so you can see if it hits anything. It's going to
3 hit the edge of the dock here. And so it's work like this that
4 supports the standard and frankly Raymond's decision to have an
5 open back.

6 Okay. So Raymond designed the truck, though, so
7 that you can use either foot, left foot or right foot.
8 Mrs. Anderson was a right-foot operator, so you'll learn about
9 that. And that's perfectly fine. And like I said, if you pick
10 your right foot up off the deadman pedal, your left foot can't
11 get out.

12 Now I mentioned that the plaintiff's expert
13 witnesses, Dr. Meyer and Dr. Jeka, Dr. Meyer in particular,
14 because he's the engineer, they've not designed a pedal
15 configuration for this Raymond truck. I guess they're just
16 going to rely on Crown in this case. They've not designed a
17 guard for over the steer tire. And as I said to you earlier,
18 they've done no testing. They've done no design work. They've
19 done no testing. They've done no analysis. There's no science
20 that they're going to bring to you that will prove that either
21 of their fixes would have made a difference here.

22 Mr. Warshauer said, "Put a guard over the steer
23 tire." Well, one of the things that Dr. Rodowicz did is she did
24 what's called a circuit study in her work in this case. She
25 went and got a model, approximately the same height and weight

1 as Mrs. Anderson, put on the exact same style of shoe that
2 Mrs. Anderson was wearing. And this is just one of the pictures
3 that Dr. Rodowicz took. And what this shows is that even if
4 this steer tire had been guarded with a guard right to the level
5 of the rest of the frame, Mrs. Anderson's foot still gets into
6 the tire. We're still here. Besides the fact that you'll
7 learn, that this is an 8,000-pound vehicle. Getting hit by an
8 8,000-pound vehicle, even at 2 miles an hour, is going to hurt.
9 It's going to hurt you.

10 On the deadman pedal, as I said earlier, there's
11 no evidence that they're going to show you that the timing would
12 have made any difference, because -- and they also don't know
13 Mrs. Anderson's speed at the time. They don't know when she
14 came out. They don't know when her right foot came up off the
15 deadman pedal, which of course would have braked the truck. And
16 the truck did brake. It stopped. It didn't collide with that
17 post. The evidence is going to show she got out before she
18 should have.

19 All right. I want to talk a little bit about the
20 plaintiff's accident. A few things we haven't talked about yet.
21 I told you that first time we heard about loss of balance was
22 Mrs. Anderson's deposition. You were told about Reche'l Boone.
23 You were told that Mrs. Anderson told Ms. Boone, "I slipped off
24 and it would not stop." I wrote it down in my notes. The
25 reason I wrote it down in my notes is, Ms. Boone gave a written

1 statement right after the accident on the same day. That's not
2 reported in there, that Ms. Anderson said anything like that.

3 Mr. McCoy took a telephone statement from
4 Ms. Boone months after the accident. She doesn't say anything
5 like that in the statement. Mr. Warshauer apparently had lunch
6 with Ms. Boone about a month ago, and today we hear "slipped off
7 and would not stop." I don't know if we'll hear that from
8 Ms. Boone, but that's what we heard today. And even "slipped
9 off and did not stop" is not "I lost my balance."

10 Mrs. Anderson doesn't -- can't tell you how her
11 feet came out of the compartment. She can't tell you how her
12 left foot got caught by the steer tire. She couldn't remember
13 her speed. She couldn't remember her actions in getting out of
14 the compartment.

15 And I mentioned Dr. Jeka. Dr. Jeka's theory is
16 that Mrs. Anderson was -- now I'm coming toward you in the
17 forklift. She was coming down this aisle, making that S-turn,
18 down the aisle. And for some reason, her automatic balance
19 system got triggered, even if she didn't know it. So she went
20 to broaden her base of support and when she did that, oops,
21 there's no platform there, and she fell out. Mrs. Anderson
22 never had that happen to her before. There's no evidence that
23 that's what happened. And if that's what would have happened,
24 the evidence is going to show, she wouldn't have been hit by the
25 tire. She would have been hit by the frame, this far over.

1 So this is a video that was taken by Mr. Rogers
2 and Dr. Rodowicz. They took an exemplar down to this facility.
3 As Mr. Warshauer said, all the racks were cleared out. And he
4 drove the path over the same cracks --

5 (Video played.)

6 MR. LoCOCO: -- at various speeds. What else did
7 they do? Because scientifically, Mr. Rogers and Dr. Rodowicz
8 were trying to figure out what happened. Ms. Anderson had
9 limited information. She'd been through a trauma, a terrible
10 trauma. There's no dispute about that. And so what do you
11 have? You have the truck, you have the geometry, you have the
12 medical records. So Dr. Rodowicz worked backwards from the
13 medical records and figured out that the only way for
14 Mrs. Anderson to have gotten hurt is to have gotten her left
15 foot in between these two steer tires that are at the back.

16 So you see there's -- it's a dual steer tire.
17 And the evidence is going to show that Mrs. Anderson's injuries
18 occurred because her foot got between those two tires. In fact,
19 I expect Ms. Boone is going to testify that when she came on the
20 scene and they had to move the truck, they pulled
21 Mrs. Anderson's shoe, not her foot, but her shoe out from
22 between those steer tires. And we've got a model of the steer
23 tires so you can see that. So they had that information.

24 And Dr. Rodowicz went further in her analysis --
25 it's the last slide here -- and determined that this is what

1 happened. The truck was moving counterclockwise toward the
2 vertical post, and Mrs. Anderson was trying to move clockwise
3 away from the compartment. She came out, over, and down with
4 her left foot, and that's how it got caught. Even Dr. Kerrigan,
5 Mr. Warshauer's biomechanical engineer, will tell you that she
6 got caught by the steer tires in basically this condition,
7 facing the back of the forklift, not just a step down. So all
8 the scientific evidence -- I know it sounds a little complicated
9 now, but it's not -- it's pieces of a puzzle that are going to
10 be put together by Dr. Rodowicz and Mr. Rogers.

11 So we've got today these two claims of a
12 left-foot deadman pedal and a guard over the steer tire. Hasn't
13 been designed, hasn't been tested, and there's no analysis on
14 this issue of causation that it would have made any difference.
15 And that is important -- that's an important part of the proof,
16 because if it wouldn't have made a difference, it's irrelevant,
17 even if it was a defect, which we believe we'll show you neither
18 of these were.

19 None of these claimed defects had anything to do
20 with this accident or Mrs. Anderson's injuries. Now I'm almost
21 done. I have just a few additional things to say before I sit
22 down, and we hear -- start hearing evidence.

23 I spent a lot of time talking about the model
24 4250, the design process at Raymond, the analysis that's been
25 done in this case, and the safe design of this lift truck. We

1 disagree with the plaintiff, as you can tell, about a lot of, a
2 lot of things. But there's one thing we don't disagree on, and
3 that's that Mrs. Anderson was seriously injured. This was a bad
4 accident. It was a really bad accident. And I don't know the
5 Andersons very well. I met them a couple of times. But they're
6 nice people. This was just a bad thing that happened. And it's
7 not because of the design in the truck. But it's a bad injury.

8 Our focus is on the first part of the case, the
9 issue of defect. Now that doesn't mean that we're going to
10 agree with everything that the plaintiffs put in front of you
11 regarding the amount of the damages. We don't, and we'll
12 cross-examine those witnesses. But we do agree that she
13 sustained serious injuries here.

14 A couple of other general points before I sit
15 down. First is a reminder to keep an open mind. Don't make up
16 your mind until you've heard all the evidence. I've never had a
17 Court -- I've never heard that story, it was the last question
18 from the last witness. Absolutely true. Wait until you've
19 heard all the evidence before you make up your mind.

20 We go second in the case always. And as you see
21 in closing argument, the plaintiff gets to go on rebuttal again.
22 Even on the evidence, the plaintiff gets to go on rebuttal. But
23 they have the burden of proof. And the burden of proof is a
24 burden of proof. The law calls it a burden for a reason. They
25 have the burden to prove the defects, one or the other, and that

1 the alleged defects actually caused Mrs. Anderson's injury.

2 Third point is to say something about common
3 sense. The Court addressed this. Mr. Warshauer addressed this.
4 This is my pitch. Common sense is the most important thing
5 you've got going for you as jurors. You didn't leave it down in
6 the parking lot or out on the street. You didn't check it at
7 the door to Judge McGlynn's courtroom. It's very important in
8 this case. Where is the proof? You know the old commercial,
9 "Where's the beef?"

10 I said at the beginning of this opening statement
11 that this trial and your deliberations are about one thing: Who
12 or what is responsible for Mrs. Anderson's terrible injuries
13 that she sustained back on July 29th, 2017? The evidence will
14 show overwhelmingly that Mrs. Anderson's injuries were caused by
15 her own conduct, not by the design of this lift truck. The
16 design of this lift truck was there to protect her if she would
17 have let it. All she had to do was follow her training.

18 Mrs. Anderson is responsible for her injuries,
19 and that will be the proof in this case. And that's why at the
20 end of the case, we'll be here at the end of the case, we'll be
21 asking you for a verdict in Raymond's favor. Thank you.

22 Thank you, Your Honor.

23 THE COURT: Thank you. All right. It's 3:25.
24 We have one witness. Would Counsel approach the bench?

25 (Sidebar begins.)

1 THE COURT: How long do we think she's going to
2 take?

3 MR. WARSHAUER: 25 minutes of direct.

4 MR. LoCOCO: Yeah, so we won't finish her today.

5 MR. WARSHAUER: I don't think so. Or bring her
6 back in the morning, but.

7 THE COURT: Yeah. That's been brought to my
8 attention, that we have a juror that's -- lives a fair distance
9 away in Salem, and he's concerned that he --

10 MR. WARSHAUER: Salem.

11 THE COURT: He says, "I ain't got money for a
12 hotel. I ain't got gas money." So we're going to have to take
13 that up.

14 MR. LoCOCO: I think we should start in the
15 morning, personally. She'll be a pretty quick witness.

16 MR. WARSHAUER: I don't mind.

17 MR. LoCOCO: He says 25 minutes. It's not going
18 to be 25 minutes.

19 THE COURT: Well, it's -- well, but then how long
20 is your cross-examination?

21 MR. LoCOCO: Depends on how much he gets out, but
22 10, 15, 20 minutes.

23 MR. MURPHY: We've got a motion to make
24 beforehand.

25 MR. LoCOCO: And we've got an argument we've got

1 to make on her.

2 THE COURT: All right. Well, what I'm going to
3 do then is I'll announce to the jury that we have some matters
4 to take up that will try to help streamline the case, so I'm
5 going to let them go today and have them come back tomorrow, 9,
6 with the hopes that we start at 9:15. And we'll start fresh
7 tomorrow.

8 MR. MURPHY: Sounds good.

9 THE COURT: Any problem with that?

10 MR. LoCOCO: No. Thank you.

11 (Sidebar ends.)

12 THE COURT: All right. Ladies and gentlemen, you
13 started today earlier than we normally start. I think they had
14 you here by 8 a.m. And we have a witness that I think will
15 probably take about an hour. But my -- I try to get people out
16 by 4 o'clock, and if I -- if I err, I'm going to err on letting
17 you out a little earlier than letting you out later.

18 So we will -- there's some other matters that the
19 lawyers and I have to take up today, and so we thought that we
20 would let you guys go for today. We'll finish some of the
21 matters that we have to take up so it will take a while anyway,
22 and so I'd rather take them up this afternoon while you guys are
23 on your way home than have you waiting in the jury room cooling
24 your heels while we take it up in the morning, so.

25 So we are in recess for five minutes. Make it

1 ten minutes. But the jury will be released for the day. Folks,
2 I'd like you back here at 9 a.m., by 9 a.m.

3 They're meeting in the jury room here, not the
4 jury assembly room; is that correct? So instead of starting off
5 downstairs, you're going to come in here and we'll have you
6 waiting in the jury room before we -- until we start. All
7 right? We are in recess for five minutes.

8 And Juror Number -- [REDACTED], Juror Number 5, I
9 would like to discuss a matter with you before you leave. All
10 right? Not a problem. All right. We are in recess.

11 (Jury exits at 3:27 p.m.)

12 (Sidebar begins.)

13 THE COURT: All right. It's been brought to my
14 attention you have some concerns about the financial impact of
15 coming to trial for the next week and few days may have on you.
16 Are you concerned about not having money for a hotel room and
17 not having money for gas? Is that correct?

18 JUROR NO. 5: True.

19 THE COURT: In a nutshell?

20 JUROR NO. 5: Yes.

21 THE COURT: What do you do for a living?

22 JUROR NO. 5: I work at a tire center in Salem,
23 Salem Tire.

24 THE COURT: Who runs that?

25 JUROR NO. 5: Glenn Hernandez. I actually work

1 for him. Just kind of like his little to-do guy.

2 THE COURT: All right. The -- do you have any
3 thoughts? Do they have a fund here or anything to help?

4 MR. MURPHY: I think the district court fund -- I
5 dipped into that thing incessantly.

6 THE COURT: We have a district court fund, and
7 why don't you -- I've been to Salem a lot of times, I know --
8 there's just not -- not a quick way to get from there to East
9 Saint Louis. But why don't you -- when you drive home tonight,
10 make a note on your mileage, and we'll get something for you to
11 get that addressed.

12 JUROR NO. 5: I appreciate that. Thank you.

13 THE COURT: All right?

14 JUROR NO. 5: Thank you.

15 THE COURT: Any other concerns? If we have that
16 taken care of, are you good to go?

17 JUROR NO. 5: Yeah. As long as I got gas to get
18 back and forth, that's fine, or stay here during the week.
19 Something -- you know, gas is fine. I can drive. It's no big
20 deal.

21 THE COURT: Okay. All right. We will address it
22 that way. So just when you come back, let me know your mileage.
23 What's gas going for in Salem now?

24 JUROR NO. 5: Probably like 3.20-something a
25 gallon.

1 THE COURT: If you fill up a tank, you do one of
2 two things. I don't know where you are now. If you could see
3 what the -- what it takes to get here, if it's a half tank a
4 quarter tank or whatever, and...

5 JUROR NO. 5: Okay.

6 THE COURT: And if you have a receipt, I can look
7 at it that way. All right?

8 JUROR NO. 5: All right.

9 THE COURT: Because the miles -- the cents per
10 mile I think was set when gas was, you know, a dollar-50 ago,
11 so. But we'll get you taken care of.

12 JUROR NO. 5: Thank you.

13 THE COURT: All right? Anything for the record?

14 MR. LoCOCO: No, Your Honor.

15 THE COURT: Thank you. Head out.

16 (Sidebar ends.)

17 (Discussion off the record.)

18 THE COURT: We are on the record in Anderson v.
19 Raymond. I have excused the jury and the jury is -- they're not
20 out of the building. They're out of the immediate area of the
21 courtroom.

22 Did Defendants have a motion that they wanted to
23 present?

24 MR. MURPHY: I do.

25 THE COURT: All right.

1 MR. MURPHY: And, Your Honor, I'm going to speak
2 right here so the court reporter can hear me. I don't have on a
3 mike.

4 You have heard the opening statements and we have
5 been presented with what the plaintiff expects Mrs. Boone to
6 say. And before she testifies, irrespective of what she has
7 stated in her written statement that we all have, her
8 description of what happened to her, to Mrs. Boone, is the
9 classic description of hearsay under Federal Rule 801. It
10 doesn't matter that she's here and that she can be
11 cross-examined. And by that, I mean the plaintiff can be
12 cross-examined, what she said to Mrs. Boone, her statement
13 describing the accident, if she says that. Now in her
14 statement, she says she doesn't know anything about that, but
15 she can come here, change her mind. That's hearsay under
16 Federal Rule 801. It's an out of court statement offered to
17 prove the very thing that was said what happened to her. "I was
18 flipped out or flipped off the lift." It's hearsay, Judge.
19 801. In the motion --

20 THE COURT: Not an excited utterance?

21 MR. MURPHY: It's not. It doesn't come within
22 that -- I think the excited utterance is what, 803(3)?

23 LAW CLERK: Yes.

24 MR. MURPHY: And it's not a present sense
25 impression. It's already happened.

1 THE COURT: All right.

2 MR. MURPHY: It doesn't come with any exception
3 is what I'm saying.

4 THE COURT: Mr. Warshauer?

5 MR. WARSHAUER: I think the statement that you
6 make at the time of the event while it is absolutely ongoing
7 couldn't be more classic excited utterance exception to the rule
8 against hearsay.

9 THE COURT: Rule 803 is exceptions to rule
10 against hearsay, regardless of whether the declarant is
11 available as a witness. Present sense impressions: Statements
12 describing or explaining an event or condition made while
13 perceiving the event or immediately afterwards. Or an excited
14 utterance, which is (2): Statement relating to a startling
15 event or condition made while the declarant is under the stress
16 of excitement that it caused. There's also then existing
17 mental, emotional, or physical conditions.

18 I do not have the value of having the statement
19 of this witness, having previously read it. I'm going to deny
20 the motion now because if it is as I understand, statements that
21 may have been made contemporaneous to this incident happening,
22 they could come in under 803(1) as a present sense impression or
23 803(2) as an excited utterance.

24 Is there -- is this before she's taken away from
25 the hospital?

1 MR. WARSHAUER: Indeed. It is while she is lying
2 there, probably within under three minutes of the event. I
3 mean, it's pretty -- pretty ripe. I do have something I would
4 like to take up also.

5 MR. MURPHY: I'm not finished yet on this.

6 THE COURT: Right. Go ahead.

7 MR. MURPHY: Now the other problem we have is
8 Mr. McCoy took a written statement, and it's going to be
9 inconsistent with what we were just told. Okay? So that means
10 that he's going to have to be a witness when we impeach this
11 woman. Now that's just something that has to be taken into
12 account.

13 MR. McCOY: It's a recorded statement.

14 MR. MURPHY: It's a recorded statement by him.

15 MR. McCOY: That's transcribed.

16 MR. MURPHY: That's right.

17 MR. WARSHAUER: We don't mind. Put him up. He
18 didn't ask her the question. There's no -- you can't use that,
19 "What did you say? You didn't say it in the statement," when
20 you weren't asked the question in the statement. It's never
21 happened.

22 MR. MURPHY: I'll let the jury and the judge
23 decide that question. But what you just heard today is the
24 first time there's ever a whisper that she was flipped out of
25 this unit.

1 MR. WARSHAUER: Oh, my gosh. That is absolutely
2 not true. Page 67 --

3 MR. MURPHY: Judge, I don't --

4 THE COURT: One at a time. Go ahead.

5 MR. MURPHY: I'm a little different on these
6 fellows. I'm pretty careful about what I say. It's not there.
7 There's none of this getting flipped out of the unit. That's
8 all I'm going to say. Tomorrow we're going to hear what the
9 foundation is. We have the recorded statement. We have the
10 recorded statement. And we'll just have to go from there. But
11 you're alerted to it, and that's all I can ask any judge to do.

12 THE COURT: All right. And I'll keep that in
13 mind, and --

14 MR. WARSHAUER: Judge?

15 THE COURT: Did you want to respond?

16 MR. WARSHAUER: Sure. With all due respect to
17 Mr. Murphy, I don't think he's quite as familiar with the record
18 as perhaps other ones are. Indeed, when Mr. Mulvany was deposed
19 on June the 25th of 2020 --

20 THE COURT: And I don't know who he is.

21 MR. WARSHAUER: Mr. Mulvany was the plant
22 manager, if you will.

23 THE COURT: All right.

24 MR. WARSHAUER: Mr. LoCoco asked him a question
25 at page 67, line 7. Line 6 is where it begins. And he's

1 pointing to the written report that Mr. Mulvany has created. He
2 says, "All right." I'm quoting Mr. LoCoco. "Sort of in the
3 middle of this box, you write, quote, one of our emergency
4 responders reported that Mrs. Anderson stated that she slipped
5 and that the forklift would not stop." "That's pretty much what
6 I said she said."

7 The next question is, "Do you recall who this
8 person was?" Answer: "Rechel Boone."

9 So to say that the first time it's ever existed
10 in the history of the planet was either that I created it or
11 that I first said it here is just not true. The record reflects
12 that "slipped and it wouldn't stop" goes back to the moment of
13 the event, from two sources.

14 Unless there's more to say on that, Judge, I do
15 have one thing I'd like to do.

16 THE COURT: Are you guys -- anything more to say?

17 MR. LoCOCO: We're good.

18 THE COURT: All right.

19 MR. MURPHY: I mean, that's another hearsay
20 statement. I'm -- that's all I've got to say. I've said what I
21 have to say.

22 THE COURT: All right. Thank you. All right.

23 MR. WARSHAUER: Just briefly. And I really --
24 it's not in the form of a motion as much as sort of a reminder
25 to Counsel, but I do need to put it on the record.

1 The plaintiffs filed a motion in limine about
2 evidence of due care, and we pointed out how evidence of due
3 care was inappropriate in this strict liability case. We're not
4 four minutes into the opening when they're talking about their
5 design process and how it shows the good care that they went
6 through, these seven steps to design their machine. And it
7 basically proceeded throughout the entire argument about how
8 "we're so careful" and how "the good people at Greene, New York,
9 really care with our 200 engineers." That's not relevant,
10 Judge. And they need to be reminded to stick to the ruling,
11 which was that it shouldn't come in.

12 MR. LoCOCO: That's not the ruling.

13 MR. MURPHY: Judge, I've got -- you asked for
14 some authority on that and I brought it.

15 THE COURT: All right.

16 MR. MURPHY: Illinois Supreme Court answered the
17 question in Jablonski, and it was followed up by the Federal
18 District Court in Kane. I thought you'd probably enjoy reading
19 this this evening. And I checked the appellate court decision.
20 It was overturned from the Fifth District, and you were not on
21 the panel.

22 THE COURT: I remember Jablonski. You're right.

23 MR. MURPHY: That's all I have to say about that.

24 THE COURT: All right. The case is Jablonski v.
25 Ford Motor Company. It was an Illinois Supreme Court case,

1 decided September 22nd, 2011. It's citation 2011 IL 110096.

2 Then there's a -- I've been handed a case out of
3 the Northern District of Illinois, Hakim v. Safariland, LLC.
4 That's a Northern District -- it's a decision from the Northern
5 District of Illinois. 2019 410 F. Supp. 3d 862. It's a memo.
6 I'm trying to see who the judge was.

7 MR. LoCOCO: If I could just add one other thing
8 about this.

9 THE COURT: Let me see if there's a judge that --
10 Thomas Durkin was the trial judge on that one. Yes, sir?

11 MR. LoCOCO: Yeah. I think Mr. Warshauer's
12 actually misstating the rule a little bit. The pattern
13 instruction says that even if you find that the defendant
14 exercised all due care, what's relevant is the design. So that
15 instruction itself assumes that there's going to be evidence
16 about how the design was -- came about. We've got nothing to
17 say otherwise. Right? So we've got to be able to explain what
18 we did and how we did it.

19 And of course, it also is in juxtaposition to the
20 shoddy work from their expert witnesses. So it goes to their
21 credibility as well. And I think those two cases Mr. Murphy
22 provided to you also explain that there's not some hammerlike
23 law that says we can't talk about our -- what we did in the
24 context of design.

25 THE COURT: All right. I will read these cases.

1 The Jablonski case was unanimous decision. I remember it in the
2 Fifth District, but I'll read this tonight. You brought it to
3 my attention. We can take it up tomorrow morning before we
4 bring the jury in. All right?

5 So we're going to start with tomorrow the first
6 witness -- is her name Bloom?

7 MR. WARSHAUER: Rachel Boone.

8 THE COURT: Okay. Then who do we got next after
9 that?

10 MR. WARSHAUER: Next will be Dr. Jeka, then --

11 THE COURT: Do you think that takes us to lunch?

12 MR. WARSHAUER: A little before.

13 THE COURT: All right. And then --

14 MR. WARSHAUER: I'm told by my
15 wife/partner/boss --

16 THE COURT: I'm sorry?

17 MR. WARSHAUER: I'm told by my wife/partner/boss
18 that I've got to shorten things up. I talk too much. So we
19 will be quicker with him than in the past. I trust her. She's
20 smart.

21 THE COURT: All right. And then do we have
22 people online for tomorrow afternoon?

23 MR. WARSHAUER: Yeah, we've got a full day. We
24 have then Dr. Meyer and we have Dr. Kerrigan here.

25 THE COURT: All right. That's a full day.

1 MR. LoCOCO: I just want to confirm that's the
2 order.

3 MR. WARSHAUER: That is -- it's the order as --
4 the order that I know.

5 MR. LoCOCO: That's fine. Because I don't think
6 we're going to -- I don't think we're going to get to Kerrigan.
7 It has to do with how late am I going to stay up tonight, so.

8 THE COURT: Well, I -- having thoroughly enjoyed
9 the massive briefing on Daubert motions on this, I would think
10 that Meyer would take an afternoon.

11 MR. WARSHAUER: I hope not.

12 THE COURT: Yeah, no, I hope not either, but, I
13 mean, I read the depositions, and that took longer than the
14 afternoon, I can tell you that.

15 MR. WARSHAUER: Keep in mind that over half of
16 that was doors.

17 THE COURT: Pardon me?

18 MR. WARSHAUER: Over half of that was doors.

19 THE COURT: There's a lot of truth to that.
20 Well, we'll see what we see. All right.

21 Anything else before we go off the record?

22 MR. WARSHAUER: No, sir.

23 MR. LoCOCO: No thank you.

24 THE COURT: All right. So tomorrow, please be
25 here by 9 a.m. You can tell jurors to be here at 8:30, but

1 there's always somebody that's here at 8:45. We've got some
2 jurors that travel quite a distance, so I would be happy if
3 we're able to start in earnest at 9:15. All right. See you all
4 tomorrow.

5 (Recess at 3:50 p.m.)

6
7
8 o o o o o o o o o o o o

9 **COURT REPORTER'S CERTIFICATE**

10 I certify that the foregoing is a correct
11 transcript from the record of proceedings in the above-entitled
12 matter.

13 Dated this 21st day of December, 2021

14 /s/ Hannah Jagler

15 _____
16 Hannah Jagler, RMR, CRR, FCRR
17 Official Court Reporter
18
19
20
21
22
23
24
25